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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.	
09/964,129	09/25/2001	Takeshi Ishizaki	36992.00083 (HAL 187CIP)	2009	
23493 SUGHRUE M	7590 03/21/2007 HRUE MION, PLLC EXAMINER	INER			
401 Castro Str	401 Castro Street, Ste 220		SHIN, K	SHIN, KYUNG H	
Mountain View, CA 94041-2007			ART UNIT	PAPER NUMBER	
			2143		
SHORTENED STATUTO	RY PERIOD OF RESPONSE	MAIL DATE	DELIVER	Y MODE	
3 MC	ONTHS .	03/21/2007	PAI	PER	

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

1)⊠ Responsive to communication(s) filed on 26 February 2007. 2a		Application No.	Applicant(s)			
Kyung H. Shin 2143		09/964,129	ISHIZAKI ET AL.			
- The MALING DATE of this communication appears on the cover sheet with the correspondence address — Period for Reply A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION. Extensions for many be available under the providence of 37 CFR 1.186(a). In a event, nower, may a reply be timely flied after \$1X,01 MONTHS from the maling date of this communication. Failure to reply within the set or excented period for reply will, by stable, case the application become ABANDED (36 U.S.C. § 133). Any reply received by the Office later than three months after the maling date of this communication. Plants to reply within the set or excented period for reply will, by stable, case the application December ABANDED (36 U.S.C. § 133). Any reply received by the Office later than three months after the maling date of this communication, even if timely fled, may reduce any seamed plants managing them. Status 1) ■ Responsive to communication (s) filed on 26 February 2007. 2a) ■ This action is FINAL. 2b) ■ Claim(s) 33-27 is/are pending in the application. 4) ○ Claim(s) 33-27 is/are pending in the application. 4) ○ Claim(s) 33-27 is/are rejected. 7) □ Claim(s) is/are allowed. 6) ○ Claim(s) is/are allowed. 6) ○ Claim(s)	Office Action Summary	Examiner	Art Unit			
A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION. - Extensions of term may be available under the provisions of 37 CFR 1.38(a). In no event, noverser, may a reply be timely filed to the provision of 37 CFR 1.38(a). The content provision of the provision of 37 CFR 1.38(a). The content provision of the provision of 37 CFR 1.38(a). The content provision of the provision of 37 CFR 1.38(a) and the provision of the provision of 18 content provision of 18		Kyung H. Shin	2143			
A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 2 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION. Extensions of time may be available under the provision of 57 FR 11-30(in, no event, however, may a reply be timely filed. If NO period for reply is specified above, the maximum statutory periods will apply and will expire SIX (8) MONTHS from the mailing date of this communication. Failure for period will apply and will expire SIX (8) MONTHS from the mailing date of this communication, reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any samed plant time alloquation. Status 1) Responsive to communication(s) filed on 26 February 2007. 2a) This action is FINAL. 2b) This action is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213. Disposition of Claims 4) Claim(s) 33-37 is/are pending in the application. 4) Or the above claim(s) is/are allowed. 6) Claim(s) is/are allowed. 7) Claim(s) is/are subject to restriction and/or election requirement. Application Papers 9) The specification is objected to by the Examiner. Application Papers 9) The advantage of the communication of the drawing(s) is objected to by the Examiner. Application Papers 9) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) All by Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) All by Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) Copies of the certified copies of the priority documents have been received in Application No. 1 Certified copies of the priority documents have been received in Application No. 2 Copies of the c		appears on the cover sheet w	ith the correspondence address			
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Art Unit: 2143

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

- 1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 2/26/07 has been entered.
- 2. Claims 33 37 are new. Claims 1-32 have been cancelled. Independent claim is 33.

Double Patenting

3. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., In re Berg, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); In re Goodman, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); In re Longi, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); In re Van Omum, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); In re Vogel, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and In re Thorington, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed **terminal disclaimer** in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent

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either is shown to be **commonly owned with this application**, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

4. Claims 33 – 37 are rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-14 of U.S. Patent No. 7,099,912; and claims 1-15 of U.S. Patent No. 7,085,827. Although the conflicting claims are not identical, they are not patentably distinct from each other, because both patents and the instant application 09/964,129 disclose an Integrated Service Management System with VPN, Server and SAN management systems. Claim 1 of U.S. Patent No. 7,085,827 is identical as a newly amended independent claim 33 of instant application 09/964,129.

Conclusion

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kyung H. Shin whose telephone number is (571) 272-3920. The examiner can normally be reached on 9:30 am - 6 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David A. Wiley can be reached on (571) 272-3923. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

K H S Kyung H Shin Patent Examiner Art Unit 2143

3/15/07 KHS

SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100